

Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: Consolidation Coal Company
Facility Name: Buchanan Preparation Plant
Facility Location: State Route 632, Garden Creek, Buchanan County, Virginia

Registration Number: 10945
Permit Number: SWRO10945

January 11, 2008
Effective Date

January 10, 2013
Expiration Date

Dallas R. Sizemore
Regional Director

January 11, 2008
Signature Date

Table of Contents, 2 pages
Permit Conditions, 29 pages
Source Testing Report Format, 1 page
NSPS, Subpart Y, 1 page

Table of Contents

I. Facility Information	1
II. Emission Units	2
III. Thermal Dryer Requirements - Unit ID: S017/S017A.....	9
A. Limitations.....	9
B. Monitoring	10
C. Recordkeeping.....	14
D. Testing	15
IV. Facility-Wide Conditions.....	15
A. Limitations.....	15
B. Monitoring	17
C. Recordkeeping.....	18
D. Testing	18
E. Reporting	18
V. Insignificant Emission Units	19
VI. Permit Shield & Inapplicable Requirements.....	19
VII. General Conditions	20
A. Federal Enforceability	20
B. Permit Expiration.....	20
C. Recordkeeping and Reporting	21
D. Annual Compliance Certification.....	22
E. Permit Deviation Reporting	23
F. Failure/Malfunction Reporting	23
G. Severability	23
H. Duty to Comply	23
I. Need to Halt or Reduce Activity not a Defense.....	24
J. Permit Modification	24
K. Property Rights	24
L. Duty to Submit Information	24
M. Duty to Pay Permit Fees	25
N. Fugitive Dust Emission Standards.....	25
O. Startup, Shutdown, and Malfunction	25
P. Alternative Operating Scenarios	26
Q. Inspection and Entry Requirements.....	26
R. Reopening For Cause.....	26
S. Permit Availability.....	27
T. Transfer of Permits	27
U. Malfunction as an Affirmative Defense	27
V. Permit Revocation or Termination for Cause.....	28
W. Duty to Supplement or Correct Application.....	28
X. Stratospheric Ozone Protection	29

Y.	Asbestos Requirements	29
Z.	Accidental Release Prevention	29
AA.	Changes to Permits for Emissions Trading.....	29
BB.	Emissions Trading	29

I. Facility Information

Permittee

Consolidation Coal Company
P.O. Drawer L
Oakwood, VA 24631

Responsible Official

John F. Zachwieja
Vice President

Facility

Buchanan Preparation Plant
State Route 632, Garden Creek, Buchanan County, Virginia

Contact person

Gerald F. Ramsey
Supervisor Environmental-Permitting
(276) 498-8351

County-Plant Identification Number: 51-027-00081

Facility Description: NAICS 212112 - Bituminous Coal Underground Mining - Coal Preparation Plant - Coal is cleaned and dried prior to shipment by railcar or truck.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
S001A	Z01	Hoist #1 dump to 100-ton surge bin BIN1	1200 TPH	Partial Enclosure	D001	PM/PM-10	7/30/04 (as amended 8/24/05)
S001B	Z01	Skip to Ground	300 TPH	N/A	N/A	N/A	7/30/04 (as amended 8/24/05)
S001C	Z01	BIN1 feeder to rotary breaker RB1 pre-screens SC1	1200 TPH	Full Enclosure	D002	PM/PM-10	7/30/04 (as amended 8/24/05)
S001E	Z01	SC1 underflow to raw coal silo RCS1 feed conveyor C1	1200 TPH	Full Enclosure	D004	PM/PM-10	7/30/04 (as amended 8/24/05)
S001F	Z01	SC1 overflow to rotary breaker RB1	1200 TPH	Full Enclosure	D005	PM/PM-10	7/30/04 (as amended 8/24/05)
S001H	Z01	RB1 breaker reject to breaker reject conveyor C15	1200 TPH	Full Enclosure	D007	PM/PM-10	7/30/04 (as amended 8/24/05)
S001I	Z01	RB1 breaker reject conveyor C15 to reject crusher CR1	1200 TPH	Full Enclosure	D008	PM/PM-10	7/30/04 (as amended 8/24/05)
S002	Z01	RB1 product to raw coal silo RCS1 feed conveyor C1	1200 TPH	Full Enclosure	D010	PM/PM-10	7/30/04 (as amended 8/24/05)
S003	Z01	Feeder to Reclaim Hopper	300 TPH	Partial Enclosure	D011	PM/PM-10	7/30/04 (as amended 8/24/05)
S004	Z01	Reclaim Hopper to Conveyor No. 2	300 TPH	Partial Enclosure	D012	PM/PM-10	7/30/04 (as amended 8/24/05)
S005	Z01	Conveyor No. 2 to Reclaim Crusher	300 TPH	Partial Enclosure	D013	PM/PM-10	7/30/04 (as amended 8/24/05)
S006	Z01	Reclaim Crusher	300 TPH	Full Enclosure	D014	PM/PM-10	7/30/04 (as amended 8/24/05)

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
S007	Z01	Reclaim Crusher to Conveyor No. 3	300 TPH	Partial Enclosure	D015	PM/PM-10	7/30/04 (as amended 8/24/05)
S008	Z01	Conveyor No. 3 to Conveyor No. 1	300 TPH	Partial Enclosure	D016	PM/PM-10	7/30/04 (as amended 8/24/05)
S009	Z01	Conveyor No. 1 to Raw Coal Silo RCS1	1200 TPH	Full Enclosure	D017	PM/PM-10	7/30/04 (as amended 8/24/05)
S011	Z01	Raw Coal Silo to Conveyor No. 4	1100 TPH	Full Enclosure	D018	PM/PM-10	7/30/04 (as amended 8/24/05)
S012	Z01	Rail Car Loadout Chute No. 1	100 TPH	Stationary Chute No. 1	D019	PM/PM-10	7/30/04 (as amended 8/24/05)
S013	Z01	Rail Car Loadout Chute No. 2	100 TPH	Stationary Chute No. 2	D020	PM/PM-10	7/30/04 (as amended 8/24/05)
S014	Z01	Conveyor No. 4 to Preparation Plant	1100 TPH	Full Enclosure	D021	PM/PM-10	7/30/04 (as amended 8/24/05)
S015	Z01	Preparation Plant (Froth Flotation)	1100 TPH	N/A	N/A	N/A	7/30/04 (as amended 8/24/05)
S015A	P001	Vacuum Filtration	1100 TPH	N/A	N/A	N/A	7/30/04 (as amended 8/24/05)
S015B	Z01	Thickener	1100 TPH	N/A	N/A	N/A	7/30/04 (as amended 8/24/05)
S016	Z01	TD1 feed conveyor C6 to thermal dryer TD1	560 TPH	Full Enclosure	D046	PM/PM-10	7/30/04 (as amended 8/24/05)
S017	P002	Thermal Dryer #1 - Gas Firing	560 TPH	Venturi Scrubber	D022	PM/PM-10, SO ₂	7/30/04 (as amended 8/24/05)
S017A	P002	Thermal Dryer #1 - Coal Firing	560 TPH	Venturi Scrubber	D022	PM/PM-10, SO ₂	7/30/04 (as amended 8/24/05)
S018	Z01	TD1 reclaim conveyor C8 to clean coal silo CCS 1 feed conveyor C9	560 TPH	Full Enclosure	D023	PM/PM-10	7/30/04 (as amended 8/24/05)

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
S019	Z01	Conveyor C 5 (TD1 by-pass) to CCS 1 feed conveyor C9	560 TPH	Full Enclosure	D023	PM/PM-10	7/30/04 (as amended 8/24/05)
S020	Z01	Conveyor C19 to CCS1 feed conveyor C9	300 TPH	Full Enclosure	D023	PM/PM-10	7/30/04 (as amended 8/24/05)
S021	Z01	Feed conveyor C9 to clean coal silo CCS1	2400 TPH	Full Enclosure	D024	PM/PM-10	7/30/04 (as amended 8/24/05)
S022	Z01	CCS1 feed conveyor C9 to clean coal stacking tube feed conveyor C10	2400 TPH	Full Enclosure	D024	PM/PM-10	7/30/04 (as amended 8/24/05)
S023	Z01	Conveyor C10 to clean coal stockpile CCSP1 stacking tube ST1	2400 TPH	Partial Enclosure	D025	PM/PM-10	7/30/04 (as amended 8/24/05)
S025	Z01	Dozer grading clean coal stockpile CCP1	500 TPH	Water Spray	D026	PM/PM-10	7/30/04 (as amended 8/24/05)
S026	Z01	CCP1 under-pile feeder to reclaim conveyor C11	4000 TPH	Full Enclosure	D027	PM/PM-10	7/30/04 (as amended 8/24/05)
S027	Z01	CCP1 reclaim conveyor C11 to rail loadout conveyor C13	4000 TPH	Full Enclosure	D028	PM/PM-10	7/30/04 (as amended 8/24/05)
S028	Z01	CCS1 reclaim feeder to reclaim conveyor C12	4000 TPH	Full Enclosure	D054	PM/PM-10	7/30/04 (as amended 8/24/05)
S029	Z01	CCS1 reclaim conveyor C12 to rail loadout conveyor C13	4000 TPH	Full Enclosure	D028	PM/PM-10	7/30/04 (as amended 8/24/05)
S030	Z01	Rail loadout conveyor C13 to rail loadout	4000 TPH	Full Enclosure	D029	PM/PM-10	7/30/04 (as amended 8/24/05)
S031	Z01	Dust control	4000 TPH	N/A	N/A	N/A	7/30/04 (as amended 8/24/05)
S032	Z01	Rail car loading through telescopic chute	4000 TPH	Telescopic Chute	D030	PM/PM-10	7/30/04 (as amended 8/24/05)
S033	Z01	Truck loading through stationary chute	200 TPH	Stationary Chute No. 3	D031	PM/PM-10	7/30/04 (as amended 8/24/05)

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
S034	Z01	Conveyor No. 17 to House Coal Loadout	200 TPH	Partial Enclosure	D032	PM/PM-10	7/30/04 (as amended 8/24/05)
S035	Z01	Truck loading of house coal	25 TPH	Stationary Chute No. 4	D033	PM/PM-10	7/30/04 (as amended 8/24/05)
S036	Z01	Conveyor No. 17 to Conveyor No. 18	200 TPH	Partial Enclosure	D032	PM/PM-10	7/30/04 (as amended 8/24/05)
S037	Z01	Conveyor No. 18 to Truck Loadout Feeder	200 TPH	Partial Enclosure	D033	PM/PM-10	7/30/04 (as amended 8/24/05)
S038	Z01	Truck Loadout Feeder to Truck Loadout No. 1	200 TPH	Partial Enclosure	D034	PM/PM-10	7/30/04 (as amended 8/24/05)
S039	Z01	Truck Loadout Feeder to Truck Loadout No. 2	200 TPH	Partial Enclosure	D035	PM/PM-10	7/30/04 (as amended 8/24/05)
S040	Z01	Stationary Chute Truck Loading No. 1	125 TPH	Stationary Chute No. 5	D036	PM/PM-10	7/30/04 (as amended 8/24/05)
S041	Z01	Stationary Chute Truck Loading No. 2	125 TPH	Stationary Chute No. 6	D037	PM/PM-10	7/30/04 (as amended 8/24/05)
S042	Z01	Reject crusher CR1 to refuse bin BIN2	500 TPH	Full Enclosure	D038	PM/PM-10	7/30/04 (as amended 8/24/05)
S044	Z01	Conveyor No. 14 to refuse bin	500 TPH	Partial Enclosure	D039	PM/PM-10	7/30/04 (as amended 8/24/05)
S045	Z01	Refuse conveyor C16 to mountain refuse bin BIN3	1200 TPH	Full Enclosure	D040	PM/PM-10	7/30/04 (as amended 8/24/05)
S046	Z01	Mountain refuse bin BIN3 stationary chute to refuse truck loading	1200 TPH	Stationary Chute No. 7	D041	PM/PM-10	7/30/04 (as amended 8/24/05)
S047	Z01	Refuse truck dumping onto refuse pile	1200 TPH	N/A	N/A	N/A	7/30/04 (as amended 8/24/05)
S048	Z01	Dozer grading refuse pile	1200 TPH	N/A	N/A	N/A	7/30/04 (as amended 8/24/05)

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
S049	Z01	Refuse bin BIN2 dumping onto ground	1200 TPH	N/A	N/A	N/A	7/30/04 (as amended 8/24/05)
S050	Z01	Endloading refuse trucks	1200 TPH	N/A	N/A	N/A	7/30/04 (as amended 8/24/05)
S052	Z01	Truck dumping clean coal onto temporary clean coal stockpile CCP2	200 TPH	N/A	N/A	N/A	7/30/04 (as amended 8/24/05)
S053	Z01	Dozer grading temporary stockpile CCP2	200 TPH	N/A	N/A	N/A	7/30/04 (as amended 8/24/05)
S054	Z01	Endloading clean coal trucks	200 TPH	N/A	N/A	N/A	7/30/04 (as amended 8/24/05)
S055	Z01	Unpaved Roads	73,000 VMT	Water Spray	D042	PM/PM-10	7/30/04 (as amended 8/24/05)
S056	P003	Rock dust silo	100 Tons	Fabric Vent Filter	D043	PM/PM-10	7/30/04 (as amended 8/24/05)
S057	P004	Magnetite silo	50 Tons	Fabric Vent Filter	D044	PM/PM-10	7/30/04 (as amended 8/24/05)
S058	Z01	Preparation plant PP1 fine clean coal conveyor C5	560 TPH	Full Enclosure	D021	PM/PM-10	7/30/04 (as amended 8/24/05)
S059	Z01	Conveyor C5 to thermal dryer TD1 feed conveyor C6	560 TPH	Full Enclosure	D045	PM/PM-10	7/30/04 (as amended 8/24/05)
S060	Z01	TD1 product to conveyor C7	560 TPH	Full Enclosure	D046	PM/PM-10	7/30/04 (as amended 8/24/05)
S061	Z01	TD1 product conveyor C7 to TD1 reclaim conveyor C8	560 TPH	Full Enclosure	D047	PM/PM-10	7/30/04 (as amended 8/24/05)
S062	Z01	PP1 coarse clean coal to conveyor C19	300 TPH	Full Enclosure	D021	PM/PM-10	7/30/04 (as amended 8/24/05)
S063	Z01	Stacking tube ST1 to clean coal stockpile CCP1	2400 TPH	Drop Height	D048	PM/PM-10	7/30/04 (as amended 8/24/05)

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
S064	Z01	PP1 refuse to main plant refuse conveyor C14	500 TPH	Full Enclosure	D021	PM/PM-10	7/30/04 (as amended 8/24/05)
S065	Z01	Refuse bin BIN2 to conveyor C16	1200 TPH	Full Enclosure	D049	PM/PM-10	7/30/04 (as amended 8/24/05)
S201	Z01	Pocket lift conveyor to truck loadout bin conveyor	650 TPH	Partial Enclosure	D201	PM/PM-10	7/30/04 (as amended 8/24/05)
S202	Z01	Truck loadout conveyor to truck loadout bin	650 TPH	Partial Enclosure	D202	PM/PM-10	7/30/04 (as amended 8/24/05)
S203	Z01	Truck loadout bin to truck	650 TPH	Partial Enclosure	D203	PM/PM-10	7/30/04 (as amended 8/24/05)
S204	Z01	Truck loadout to reclaim hopper	650 TPH	Partial Enclosure	D204	PM/PM-10	7/30/04 (as amended 8/24/05)
S205	Z01	Pocket lift conveyor to vent production conveyor #1	650 TPH	Partial Enclosure	D205	PM/PM-10	7/30/04 (as amended 8/24/05)
S206	Z01	Vent conveyor #1 to vent conveyor #2	650 TPH	Partial Enclosure	D206	PM/PM-10	7/30/04 (as amended 8/24/05)
S207	Z01	Vent production conveyor #2 to breaker bin	650 TPH	Partial Enclosure	D207	PM/PM-10	7/30/04 (as amended 8/24/05)
S208	Z01	Transfer conveyor to raw coal silo #2	650 TPH	Partial Enclosure	D208	PM/PM-10	7/30/04 (as amended 8/24/05)
S209	Z01	Trucks-Raw coal to reclaim hopper	83,853 VMT	Water Spray	D042	PM/PM-10	7/30/04 (as amended 8/24/05)
SC1	Z01	Rotary Breaker 1 Scalping Screen	1200 TPH	Full Enclosure	D003	PM/PM-10	7/30/04 (as amended 8/24/05)
CCP1	Z01	Main Clean Coal Stockpile	3.5 acres	Water Spray	D026	PM/PM-10	7/30/04 (as amended 8/24/05)
CCP2	Z01	Temporary Clean Coal Stockpile	1 acre	N/A	N/A	N/A	7/30/04 (as amended 8/24/05)

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
CR1	Z01	Reject Crusher 1 for RB1	1200 TPH	Full Enclosure	D009	PM/PM-10	7/30/04 (as amended 8/24/05)
RB1	Z01	Rotary Breaker 1	1200 TPH	Full Enclosure	D006	PM/PM-10	7/30/04 (as amended 8/24/05)
RCP1	Z01	Temporary Raw Coal Stockpile	1 acre	N/A	N/A	N/A	7/30/04 (as amended 8/24/05)
RCP3	Z01	Hoist 2 Raw Coal Stockpile	1 acre	N/A	N/A	N/A	7/30/04 (as amended 8/24/05)

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

VMT = vehicle miles traveled

TPH = tons per hour

III. Thermal Dryer Requirements – Thermal Dryer #1, Unit ID: S017/S017A

A. Limitations

1. Particulate emissions from the thermal dryer shall be controlled by a high energy venturi scrubber.
(9 VAC 5-80-110 and Condition 3e of July 30, 2004 permit (as amended August 24, 2005))
2. The approved fuels for the thermal dryer are bituminous coal, coal-bed methane gas and natural gas. A change in fuels may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 7 of July 30, 2004 permit (as amended August 24, 2005))
3. The differential pressure drop across the venturi scrubber shall be a minimum of 21.7 inches of water.
(9 VAC 5-80-110 and Condition 8 of July 30, 2004 permit (as amended August 24, 2005))

4. Emissions from the operation of the thermal dryer shall not exceed the limits specified below:

Particulate Matter	0.025 gr/dscf	125.3 tons/yr
PM-10	0.019 gr/dscf	95.0 tons/yr
Sulfur Dioxide	0.20 lbs/MMBtu	119.6 tons/yr
Nitrogen Oxides (as NO ₂)	0.46 lbs/MMBtu	278.1 tons/yr
Volatile Organic Compounds	0.60 lbs/MMBtu	362.7 tons/yr
Carbon Monoxide	2.34 lbs/MMBtu	1,414.7 tons/yr

Annual emissions shall be determined on a consecutive 12-month basis.
(9 VAC 5-80-110, 9 VAC 5-50-260 and Condition 9 of July 30, 2004 permit (as amended August 24, 2005))

5. The average sulfur content of the bituminous coal to be burned in the thermal dryer shall not exceed 1.0% by weight, calculated as the average of each consecutive 30-day period.
(9 VAC 5-50-260, 9 VAC 5-80-110 and Condition 12 of July 30, 2004 permit (as amended August 24, 2005))

6. Visible emissions from the thermal dryer shall not exceed 20 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction.
(9 VAC 5-50-80, 9 VAC 5-50-260, 9 VAC 5-50-410, 9 VAC 5-80-110 and Condition 13 of July 30, 2004 permit (as amended August 24, 2005))

B. Monitoring

1. Cyclones: An annual inspection shall be conducted on each cyclone by the permittee to insure structural integrity.
2. Scrubbers: The permittee shall install, calibrate, maintain and continuously operate the following:
 - a. A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device is to be certified by the manufacturer to be accurate within $\pm 3^{\circ}$ Fahrenheit.
 - b. A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 1 inch water gage.
 - c. A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within $\pm 5\%$ of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point.
 - d. A monitoring device for the measurement of the thermal drying chamber temperature.

Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be recalibrated annually. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the thermal dryer is operating.

(9 VAC 5-80-10 H, 9 VAC 5-50-20 C, 9 VAC 5-50-260, 9 VAC 5-50-410, 9 VAC 5-80-110 and Condition 4 of July 30, 2004 permit (as amended August 24, 2005))

3. The monitoring devices used to continuously measure the thermal dryer and associated control system parameters shall be observed by the permittee with a frequency of not less than once per hour. The permittee shall keep a log of the observations or continuously record measurements from the monitoring devices.
(9 VAC 5-50-50 H, 9 VAC 5-80-110 and Condition 5 of July 30, 2004 permit (as amended August 24, 2005))

4. The permittee shall visually observe the thermal dryer exhaust stack at least once each calendar week to determine the presence of visible emissions while operating (does not include condensed water vapor/steam). If during the observation, visible emissions are observed that appear to be greater than 10 percent opacity, a visible emission evaluation (VEE) shall be conducted in accordance with 40 CFR 60, Appendix A, EPA Method 9. The VEE shall be conducted for a minimum of six (6) minutes. If any of the observations exceed 20 percent opacity, the VEE shall be conducted for a total of sixty (60) minutes. A Method 9 VEE shall not be required if the visible emission condition is corrected as expeditiously as possible such that visible emissions do not exceed 10 percent opacity; the emissions unit is operating at normal conditions; and, the cause and corrective measures taken are recorded. A record of each visible emissions observation shall be maintained, including, at a minimum, the date, time, name of the emission unit, the applicable emission requirement, the results of the observation and the name of the observer.
(9 VAC 5-80-110)
5. The permittee shall monitor, operate, calibrate and maintain the devices listed in Condition III.B.2 of this permit according to the following:

	Indicator No. 1	Indicator No. 2	Indicator No. 3	Indicator No. 4
I. Indicator	Exhaust Gas Temperature	Pressure Loss	Water Supply Pressure	Thermal drying chamber temperature
A. Measurement Approach	Temperature probe	Differential pressure gage	Pressure gage	Temperature probe
II. Indicator Range	An excursion is defined as an exit gas temperature greater than 160 °F	An excursion is defined as a pressure loss through the scrubber of less than 21.7 inches water column	An excursion is defined as a water supply pressure of less than 20 pounds per square inch gage	An excursion is defined as a drying chamber temperature greater than 1,400 °F
III. Performance Criteria				
A. Data Representativeness	The temperature probe monitors the temperature of the gas at the exit of the thermal dryer	The differential pressure gage monitors the static pressures upstream and downstream of the scrubber's venturi throat	The water pressure gage monitors water supply pressure to the scrubber. The gage is to be located close to the water discharge point.	The temperature probe monitors the temperature at the entrance to the drying chamber (just below the restriction deck) of the thermal dryer
B. Verification of Operational Status	The monitoring device shall be installed and calibrated according to manufacturer's recommendations prior to initial performance tests	The monitoring device shall be installed and calibrated according to manufacturer's recommendations prior to initial performance tests	The monitoring device shall be installed and calibrated according to manufacturer's recommendations prior to initial performance tests	The monitoring device shall be installed and calibrated according to manufacturer's recommendations prior to initial performance tests
C. QA/QC Practices and Criteria	The device is to be certified by the manufacturer to be accurate within $\pm 3^{\circ}$ Fahrenheit and calibrated annually based on the manufacturer's recommendations	The device is to be certified by the manufacturer to be accurate within ± 1 inch water gage and calibrated annually based on the manufacturer's recommendations	The device is to be certified by the manufacturer to be accurate within $\pm 5\%$ of design water supply pressure and calibrated annually based on the manufacturers recommendations	The device is to be certified by the manufacturer to be accurate within $\pm 3^{\circ}$ Fahrenheit and calibrated annually based on the manufacturer's recommendations
D. Monitoring Frequency	Measure continuously	Measure continuously	Measure continuously	Measure continuously
E. Data Collection Procedures	Record continuously on a chart recorder	Record continuously on a chart recorder	Record continuously on a chart recorder	Record continuously on a chart recorder
F. Averaging Period	None	None	None	None

6. The permittee shall conduct the monitoring and fulfill the other obligations specified in 40 CFR 64.7 through 40 CFR 64.9.
(9 VAC 5-80-110 E and 40 CFR 64.6 (c))
7. At all times, the permittee shall maintain the monitoring equipment, including, but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.
(9 VAC 5-80-110 E and 40 CFR 64.7 (b))
8. Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the thermal dryer is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of compliance assurance monitoring, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The permittee shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by inadequate maintenance or improper operation are not malfunctions.
(9 VAC 5-80-110 E and 40 CFR 64.7 (c))
9. Upon detecting an excursion or exceedance, the permittee shall restore operation of the thermal dryer (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup and shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator, designated condition, or below the applicable emission limitation or standard, as applicable.
(9 VAC 5-80-110 E and 40 CFR 64.7 (d)(1))
10. Determination that acceptable procedures were used in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.
(9 VAC 5-80-110 E and 40 CFR 64.7(d)(2))
11. If the permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an

excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the Director, Southwest Regional Office and, if necessary, submit a proposed modification to this permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

(9 VAC 5-80-110 E and 40 CFR 64.7(e))

12. If the number of exceedances or excursions exceeds 5 percent duration of the operating time for the thermal dryer for a semiannual reporting period, the permittee shall develop, implement and maintain a Quality Improvement Plan (QIP) in accordance with 40 CFR 64.8. If a QIP is required, the permittee shall have it available for inspection. The QIP initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the permittee shall modify the plan to include procedures for conducting one or more of the following, as appropriate:

- a. Improved preventative maintenance practices;
- b. Process operation changes;
- c. Appropriate improvements to control methods;
- d. Other steps appropriate to correct control performance; and
- e. More frequent or improved monitoring.

(9 VAC 5-80-110 E and 40 CFR 64.8(a) and (b))

C. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

1. The production of dried coal from the thermal dryer, calculated monthly as the sum of each consecutive 12-month period.
2. The consumption of coal, coal-bed methane and natural gas, indicating sulfur content for the coal for the thermal dryer, calculated monthly as the sum of each consecutive 12-month period.
3. The temperature of the thermal dryer gas exhaust, pressure loss through the venturi constriction of control equipment on the dryer, control equipment water supply pressure and temperature of the thermal drying chamber, recorded hourly.

4. The DEQ approved, pollutant-specific emission factors and the equations used to demonstrate compliance with Condition III.A.4.
5. The log of weekly visual observations and the results of each VEE for the thermal dryer as required in Condition III.B.4.
6. The log of annual inspections for the cyclone.
7. All stack tests and performance evaluations.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-50-50, 9 VAC 5-50-410, 9 VAC 5-80-110 and Condition 18 of July 30, 2004 permit (as amended August 24, 2005))

D. Testing

Once every two years and upon request by the DEQ, the permittee shall conduct performance tests for particulate matter, sulfur dioxide, oxides of nitrogen as nitrogen dioxide, carbon monoxide and volatile organic compounds from the thermal dryer to demonstrate compliance with the emission limits contained in this permit. The thermal dryer shall be exempt from testing for sulfur dioxide when the thermal dryer furnace is being fueled by coal-bed methane or natural gas. The details of the tests shall be arranged with the Director, Southwest Regional Office. One copy of the test results shall be submitted to the Southwest Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit. (9 VAC 5-50-30 G, 9 VAC 5-80-110 and Condition 16 of July 30, 2004 permit (as amended August 24, 2005))

IV. Facility-Wide Conditions

A. Limitations

1. Particulate emissions from the coal preparation plant shall be controlled using the following methods:
 - a. Coal conveying and storage equipment will be covered. Freeze-up of wet suppression systems at raw coal transfer points shall be prevented by wrapping exposed piping with electric heating tape.
 - b. Screening, crushing, transfer and handling of the coal shall be controlled by a wet type dust collector, spray systems, enclosure or equivalent control systems.
 - c. Coal cleaning and associated processing equipment shall be enclosed in the main building and shall utilize a wet process.
 - d. Coal refuse handling shall utilize high moisture content.

- e. The open coal stockpiles shall be controlled by wet suppression.
 - f. The rail load-out station shall be equipped with a flood loading chute that will telescope down into the hopper cars.
 - g. Rock dust and magnetite silo vents shall be equipped with fabric filters.
 - h. Haul roads and parking areas shall be watered using a water truck and/or paved.
(9 VAC 5-50-260, 9 VAC 5-80-110 and Condition 3 of July 30, 2004 permit (as amended August 24, 2005))
2. The production of clean coal from the facility shall not exceed 8.4 million tons per year, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-10 H, 9 VAC 5-80-110 and Condition 6 of July 30, 2004 permit (as amended August 24, 2005))
3. Emissions from the operation of the coal processing and conveying equipment, coal storage equipment, and coal transfer and loading equipment shall not exceed the limits specified below:

Particulate Matter	20.05 lb/hr	45.73 tons/yr
PM-10	7.53 lb/hr	15.79 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions IV.A.1 and IV.A.2. Annual emissions shall be determined on a consecutive 12-month basis.
(9 VAC 5-50-260, 9 VAC 5-80-110 and Condition 10 of July 30, 2004 permit (as amended August 24, 2005))

4. Emissions from the operation of the wet processes in the coal preparation plant shall not exceed the limits specified below:

Volatile Organic Compounds	53.1 tons/yr
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These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition IV.A.2. Annual emissions shall be determined on a consecutive 12-month basis.
(9 VAC 5-50-260, 9 VAC 5-80-110 and Condition 11 of July 30, 2004 permit (as amended August 24, 2005))

5. Visible emissions from each piece of coal processing, conveying, storage, transfer and loading equipment shall not exceed 20% opacity as determined by EPA

Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction.

(9 VAC 5-50-80, 9 VAC 5-50-260, 9 VAC 5-50-410, 9 VAC 5-80-110 and Condition 13 of July 30, 2004 permit (as amended August 24, 2005))

6. Except where this permit is more restrictive than the applicable requirement, the equipment subject to NSPS, Subpart Y shall be operated in compliance with the requirements of 40 CFR 60, Subpart Y.
(9 VAC 5-50-400, 9 VAC 5-50-410, 9 VAC 5-80-110 and Condition 14 of July 30, 2004 permit (as amended August 24, 2005))
7. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment, monitoring devices and process equipment which affect such emissions:
 - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
 - b. Maintain an inventory of spare parts.
 - c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
 - d. The permittee shall maintain records of training provided including the names of trainees, the date of training and the nature of the training.
(9 VAC 5-50-20 E, 9 VAC 5-80-110 and Condition 24 of July 30, 2004 permit (as amended August 24, 2005))

B. Monitoring

The permittee shall visually observe all coal processing, conveying, storage, transfer and loading equipment at least once each calendar week to determine which operating emissions units have visible emissions (does not include condensed water vapor/steam). If during the visual observation, visible emissions are observed that appear to exceed 10 percent opacity, a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, EPA Method 9, shall be conducted on those units with visible emissions. The VEE shall be conducted for a minimum of six (6) minutes. If any of the observations exceed 20 percent opacity, the VEE shall be conducted for a total of sixty (60) minutes. A Method 9 VEE shall not be required if the visible emission condition is corrected as expeditiously as possible such that visible emissions do not exceed 10 percent opacity; the emissions unit is operating at normal conditions; and, the cause and corrective measures taken are recorded. A record of each visible emissions observation shall be maintained, including, at a minimum, the date, time, name of the emission unit, the applicable emission requirement, the results of the observation and the name of the observer.
(9 VAC 5-80-110)

C. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

1. The production of clean coal from the facility, calculated monthly as the sum of each consecutive 12-month period.
2. The log of weekly visual observations and the results of each VEE for the coal processing equipment as required in Condition IV.B.
3. Maintenance and training as required in Condition IV.A.7.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-50-20 E, 9 VAC 5-50-50, 9 VAC 5-80-110 and Conditions 18 and 24 of July 30, 2004 permit (as amended August 24, 2005))

D. Testing

1. A visible emission evaluation (VEE) in accordance with 40 CFR Part 60, Appendix A, Method 9, shall be conducted by the permittee on all coal processing, conveying, storage, transfer and loading equipment that is to be constructed subject to NSPS, Subpart Y. Each test shall consist of 30 sets of 24 consecutive observations (at 15 second intervals) to yield a six minute average. The details of the tests are to be arranged with the Director, Southwest Regional Office. The evaluation shall be performed, reported and demonstrate compliance within 60 days after achieving the maximum production rate at which the facility will be operated but in no event later than 180 days after start-up of the permitted facility. One copy of the test result shall be submitted to the Southwest Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-50-30, 9 VAC 5-80-10 J, 9 VAC 5-50-410, 9 VAC 5-80-110 and Condition 15 of July 30, 2004 permit (as amended August 24, 2005))

2. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.

(9 VAC 5-50-30, 9 VAC 5-80-110 and Condition 19 of July 30, 2004 permit (as amended August 24, 2005))

E. Reporting

1. The permittee shall furnish written notification to the Director, Southwest Regional Office of the following:

- a. The actual start-up date of the coal handling, processing and storage equipment within 15 days after such date.
- b. The anticipated date of visible emissions evaluations of the coal handling, processing and storage equipment postmarked at least 30 days prior to such date.

Copies of the written notifications referenced in items a and b above are to be sent to:

Associate Director
Office of Air Enforcement (3AP10)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition 17 of July 30, 2004 permit (as amended August 24, 2005))

V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (5-80-720 B)	Rated Capacity (5-80-720 C)
INS-01	Storage Tanks	5-80-720 B.2.	VOC	N/A
INS-02	Emergency Dryer Bypass	5-80-720 B	VOC, NO _x , SO ₂ , PM-10, CO	N/A
INS-03	Thermal Dryer Pre-Igniters	5-80-720 B	VOC, NO _x , SO ₂ , PM-10, CO	N/A
S031	Rail Car Loadout Sprays	5-80-720 B.2.	VOC	N/A

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and

conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
None identified		

Nothing in this permit shall alter the provisions of § 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to 114 of the federal Clean Air Act, (ii) the Board pursuant to § 10.1-1314 or § 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to § 10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

VII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not

expire until the renewal permit has been issued or denied and (ii) all terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

- (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."
- (9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to § 114(a)(3) and § 504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. A description of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Southwest Regional Office, within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventive measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semiannual compliance monitoring report pursuant to General Condition VII.C.3 of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Southwest Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Southwest Regional Office.
(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit

termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on

information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80 Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.
(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.

- c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
- 3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
 - 4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A - F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.
(9 VAC 5-80-110 I)

Source Testing Report Format

Cover

1. Plant name and location
2. Units tested at source (indicate Ref. No. used by source in permit or registration)
3. Tester; name, address and report date

Certification

1. Signed by team leader / certified observer (include certification date)
- * 2. Signed by reviewer

Introduction

1. Test purpose
2. Test location, type of process
3. Test dates
- * 4. Pollutants tested
5. Test methods used
6. Observers' names (industry and agency)
7. Any other important background information

Summary of Results

1. Pollutant emission results / visible emissions summary
2. Input during test vs. rated capacity
3. Allowable emissions
- * 4. Description of collected samples, to include audits when applicable
5. Discussion of errors, both real and apparent

Source Operation

1. Description of process and control devices
2. Process and control equipment flow diagram
3. Process and control equipment data

* Sampling and Analysis Procedures

1. Sampling port location and dimensioned cross section
2. Sampling point description
3. Sampling train description
4. Brief description of sampling procedures with discussion of deviations from standard methods
5. Brief description of analytical procedures with discussion of deviation from standard methods

Appendix

- * 1. Process data and emission results example calculations
2. Raw field data
- * 3. Laboratory reports
4. Raw production data
- * 5. Calibration procedures and results
6. Project participants and titles
7. Related correspondence
8. Standard procedures

* Not applicable to visible emission evaluations.